

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 19 of the Lincoln Municipal Code relating to fire
2 prevention to add a new section numbered 19.03.010 to adopt the International Fire Code 2000
3 Edition; to add a new section numbered 19.03.020 to amend Section 101.1 of the code to refer to the
4 International Fire Code as the City of Lincoln Fire Code; to add a new section numbered 19.03.030
5 to amend Section 103.1 of the code to designate the Director of Building & Safety as the code
6 official and to provide that the bureau of fire prevention shall assist the code official in the
7 enforcement of the fire code; to add a new section numbered 19.03.040 to delete Sections 103.2,
8 103.3, 103.4, and 103.4.1 of the code; to add a new section numbered 19.03.050 to amend Section
9 104.10.1 of the code to provide for police and fire department assistance; to add a new section
10 numbered 19.03.060 to amend Section 104.11 of the code to revise provisions regarding authority
11 at fires and other emergencies; to add a new section numbered 19.03.070 to amend Section 104.11.1
12 of the code to revise provisions regarding the authority to barricade; to add a new section numbered
13 19.03.080 to amend Section 104.11.2 of the code to revise provisions regarding interference with
14 the code official's authority at fires and other emergencies; to add a new section numbered 19.03.090
15 to add Section 105.4.7 to the code to provide for plan review and an inspection fee for new
16 construction and alterations where bureau of fire prevention approval is required under the
17 International Building Code; to add a new section numbered 19.03.100 to amend Section 105.6 of
18 the code to provide a permit to engage in the listed activities, operations and practices or functions;
19 to add a new section numbered 19.03.110 to add a new section to the code numbered 106.4,
20 Inspection Requests, to provide a fee for inspections requested to be conducted on a holiday or

1 weekend; and to add a new section numbered 19.03.120 to amend Section 108 of the code to revise
2 provisions regarding the board of appeals; to add a new section numbered 19.03.130 to add Section
3 316 to the code to require skirts to be installed on manufactured homes; to add a new section
4 numbered 19.03.140 to amend Section 903.4.1 of the code to revise provisions regarding alarms,
5 supervisory and trouble signals; to add a new section numbered 19.03.150 to amend Section
6 1504.1.4 of the code to require autobody shops spraying flammable liquids to have an approved
7 spray booth; to add a new section numbered 19.03.160 to amend Section 3301.1 of the code to revise
8 provisions regarding fireworks; to add a new section numbered 19.03.170 to amend Section 3308.3
9 of the code to revise provisions regarding fireworks displays; to add a new section numbered
10 19.03.180 to amend Section 3401.4 of the code to revise provisions regarding permits and permit
11 fees for the installation, replacement, repair, removal, relining, or abandonment of tanks for the
12 storage of flammable and combustible liquids; to add a new section numbered 19.03.190 to amend
13 Section 3404.2.9.5.1 of the code to revise provisions regarding the use of above-ground tanks for
14 the storage of flammable and combustible liquids; to add a new section numbered 19.03.200 to
15 amending Section 3404.2.13 to revise provisions regarding the abandonment of any flammable or
16 combustible liquid tank; to add a new section numbered 19.03.210 to amend Section 3404.2.13.1.3
17 to revise provisions regarding the removal or abandonment of out-of-service underground tanks; to
18 add a new section numbered 19.03.220 to require copies of the International Fire Code to be kept
19 on file by the City Clerk and the Department of Building and Safety; to add a new section numbered
20 19.03.230 to add definitions for the terms “jurisdiction” and “corporate counsel”; to add a new
21 section numbered 19.03.240 to provide a penalty for violations of the International Fire Code; and
22 to add a new section numbered 19.03.250 to provide a severability clause to this ordinance.

1 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

2 Section 1. That Title 19 of the Lincoln Municipal Code be amended by adding a new
3 section numbered 19.03.010 to read as follows:

4 **19.03.010 Code Adopted.**

5 For the purpose of prescribing regulations governing conditions hazardous to life and
6 property from fire and explosion, there is hereby adopted the "International Fire Code," 2000
7 Edition, save and except such portions as are hereinafter deleted, modified, or amended.

8 Section 2. That Title 19 of the Lincoln Municipal Code be amended by adding a new
9 section numbered 19.03.020 to read as follows:

10 **19.03.020 Section 101.1 Amended; Title.**

11 Section 101.1 of the International Fire Code is amended to read as follows:

12 **101.1 Title.** These regulations shall be known as the Fire Code of the City of Lincoln,
13 Nebraska, hereinafter referred to as "this code."

14 Section 3. That Title 19 of the Lincoln Municipal Code be amended by adding a new
15 section numbered 19.03.030 to read as follows:

16 **19.03.030 Section 103.1 Amended; Organization of the Bureau of Fire Prevention.**

17 Section 103.1 of the International Fire Code is amended to read as follows:

18 **103.1 Organization of the bureau of fire prevention.** The bureau of fire prevention is
19 established within the department of building and safety under the direction of the code official. The
20 bureau shall consist of such personnel as may be assigned thereto by the director of building and
21 safety who is hereby designated as the code official as defined in Section 202 of this code. The
22 function of this bureau shall be to assist the code official in the administration and enforcement of

1 the fire prevention provisions of this code. The bureau of fire prevention with the assistance of the
2 fire department shall provide education and training to schools, hospitals, public and private
3 organizations and institutions on fire precaution practices and evacuation procedures. The bureau
4 of fire prevention shall coordinate all these activities.

5 Section 4. That Title 19 of the Lincoln Municipal Code be amended by adding a new
6 section numbered 19.03.040 to read as follows:

7 **19.03.040 Sections 103.2, 103.3, 103.4, 103.4.1; Deleted.**

8 Sections 103.2, 103.3, 103.4, and 103.4.1 of the International Fire Code are hereby deleted.

9 Section 5. That Title 19 of the Lincoln Municipal Code be amended by adding a new
10 section 19.03.050 to read as follows:

11 **19.03.050 Section 104.10 Amended; Fire Investigations.**

12 Section 104.10 of the International Fire Code is amended to read as follows:

13 **104.10 Fire investigations.** The bureau of fire prevention shall have the authority to
14 investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition.
15 Information that could be related to trade secrets of processes shall not be made part of the public
16 record except as directed by a court of law.

17 **104.10.1 Assistance from other agencies.** Whenever requested to do so by the code official
18 or an authorized representative, the police department shall assign such available police officers as
19 in the police department's discretion may be necessary to assist the code official in enforcing the
20 provisions of this code. In addition, the code official may request that the fire department detail to
21 the bureau of fire prevention such members of the fire department as may from time to time be
22 necessary.

1 Section 6. That Title 19 of the Lincoln Municipal Code be amended by adding a new
2 section numbered 19.03.060 to read as follows:

3 **19.03.060 Section 104.11 Amended; Authority at Fires and Other Emergencies.**

4 Section 104.11 of the International Fire Code is amended to read as follows:

5 **104.11 Authority at fires and other emergencies.** The code official and the fire department
6 shall have the power and authority at the scene of a fire or other emergency involving the protection
7 of life or property to direct such operation as may be necessary to extinguish or control any fire, per-
8 form any rescue operation, investigate the existence of suspected or reported fires, gas leaks, or other
9 hazardous conditions or situations or of taking any other action necessary in the reasonable
10 performance of their duty. The fire department shall maintain control at the fire scene until the fire
11 has been extinguished and the bureau of fire prevention has arrived at the scene. In the exercise of
12 such power, the code official or fire department may prohibit any person, vehicle, vessel or thing
13 from approaching the scene and may remove or cause to be removed or kept away from the scene
14 any vehicle, vessel, or thing which may impede or interfere with the operations of the fire
15 department or bureau of fire prevention in the extinguishment or investigation of such fire or
16 emergency and, in the judgment of the code official or fire department, any person not actually and
17 usefully employed in the extinguishment or investigation of such fire or emergency or in the
18 preservation of property in the vicinity thereof.

19 Section 7. That Title 19 of the Lincoln Municipal Code be amended by adding a new
20 section numbered 19.03.070 to read as follows:

21 **19.03.070 Section 104.11.1 Amended; Authority at Fires and Other Emergencies;**
22 **Authority to Barricade.**

23 Section 104.11.1 of the International Fire Code is amended to read as follows:

1 **104.11.1 Authority to barricade.** The code official or the fire department or their
2 authorized representative, who may be in charge at the scene of an emergency shall have the
3 authority to place ropes, guards, barricades, or other obstructions across any street, alley, place, or
4 private property in the vicinity of such operation so as to prevent accident or interference with the
5 lawful efforts of the bureau of fire prevention or fire department to manage and control the situation.

6 Section 8. That Title 19 of the Lincoln Municipal Code be amended by adding a new
7 section numbered 19.03.080 to read as follows:

8 **19.03.080 Section 104.11.2 Amended; Authority at Fires and Other Emergencies;**
9 **Interference.**

10 Section 104.11.2 of the International Fire Code is amended to read as follows:

11 **104.11.2 Interference.** Any person who obstructs the operations of the fire department or
12 bureau of fire prevention in connection with investigating or extinguishing any fire, or other
13 emergency, or disobeys any lawful command of the code official or the fire department as may be
14 in charge at such a scene, or any part thereof, or any police officer assisting the fire department or
15 bureau, shall be guilty of a misdemeanor.

16 Section 9. That Title 19 of the Lincoln Municipal Code be amended by adding a new
17 section numbered 19.03.090 to read as follows:

18 **19.03.090 Section 105.4.7 Added; New Construction and Alterations.**

19 Section 105.4.7 is added to the International Fire Code to read as follows:

20 **105.4.7 New construction and alterations.** When plans and specifications required to be
21 submitted by Section 106.1 of the International Building Code is for construction of work for which
22 bureau of fire prevention approval is required, a separate and additional bureau of fire prevention
23 plan review and inspection fee shall be paid to the bureau of fire prevention. One-third of the fee

1 shall be paid at the time of submitting said plans and specifications for review and shall not be
2 refunded after any plan review has been completed by the bureau of fire prevention, even if the
3 application is withdrawn. The remainder of the fee shall be paid upon issuance of the building
4 permit. Said plan review and inspection fee shall be ninety-five cents (\$.95) per \$1,000 of total
5 value of the proposed improvement; provided that the minimum fee for such plan review shall be
6 eighteen dollars (\$18.00). Construction or work for which bureau of fire prevention approval is
7 required shall be subject to inspection by the code official and such construction or work shall
8 remain accessible and exposed for inspection purposes until approved by the code official.

9 Section 10. That Title 19 of the Lincoln Municipal Code be amended by adding a
10 new section numbered 19.03.100 to read as follows:

11 **19.03.100 Section 105.6 Amended; Permits and Permit Fees.**

12 Section 105.6 of the International Fire Code is amended to read as follows:

13 **105.6 Permits and permit fees.**

14 **105.6.1 Permit required.** A permit shall be obtained from the bureau of fire prevention
15 prior to engaging in the following activities, operations, practices, or functions and on items (3), (4),
16 (6), (8), (9), (11) and (12), the premises shall be inspected annually and a permit must be obtained
17 each year to continue the activities, operations, practices, or functions:

- 18 (1) Explosives and blasting agents, see Chapter 33.
- 19 (2) Fireworks, see Chapter 33 and L.M.C. Chapter 9.44.
- 20 (3) Flammable combustible liquids and tanks, see Chapters 22 and 34.
- 21 (4) Hazardous materials in excess of exempt amounts listed in Table 105.6.21.
- 22 (5) Storage and use liquified petroleum gas, see Chapter 38.

- (6) Places of assembly.
- (7) Pyrotechnic special effect material, see Chapter 33.
- (8) Spraying or dipping operations utilizing flammable or combustible finishes, see Chapter 15.
- (9) Storage of scrap tires and tire byproducts that exceed 2,500 cubic feet, see Chapter 25.
- (10) Temporary membrane structure, tent or canopy, see Chapter 24.
- (11) Hotels and motels.
- (12) Fraternities and sororities.

105.6.2 Permit fees. The following shall be the permit fees charged for the permits required in this section:

(1)	Explosives and blasting agents	\$50.00
(2)	Fireworks display	\$125.00
	Fireworks stand	\$75.00/ \$25.00 Late Fee after 6/23
(3)	Flammable combustible liquid tank installation	\$55.00 per tank
	Tank closures	\$25.00 per tank
(4)	Hazardous materials	\$65.00
(5)	Storage and use of liquified petroleum gases	\$45.00
(6)	Places of assembly	
	50 to 299 (annually)	\$50.00
	300 to 999 (annually)	\$75.00
	1000 or more (annually)	\$100.00
(7)	Pyrotechnics and special effects material	\$75.00

1	(8)	Spraying or dipping	\$55.00
2	(9)	Storage of scrap tires and tire byproducts	\$45.00
3	(10)	Temporary membrane structures, tents, canopies	\$ 25.00
4	(11)	Hotels and motels	
5		0 to 40 rooms	\$50.00
6		41 to 120 rooms	\$75.00
7		121 to 200 rooms	\$100.00
8		201 or more rooms	\$125.00
9	(12)	Fraternities and Sororities	
10		0 to 40 rooms	\$ 55.00
11		41 to 120 rooms	\$ 75.00
12		121 to 200 rooms	\$100.00
13		201 or more rooms	\$125.00
14	(13)	Reinspection fee/late fee (wrong address, equipment	
15		that does not pass inspection, incomplete work,	
16		equipment inaccessibility, etc.	1/2 Permit Fee
17			Minimum \$25.00
18	(14)	Late fee assessed if payment is not received	
19		within 60 days of due date	\$50.00

20 **Section 105.6.3 through 105.6.46 are deleted.**

21 Section 11. That Title 19 of the Lincoln Municipal Code be amended by adding new
22 section numbered 19.04.110 to read as follows:

23 **19.04.110 Section 106.4 Added; Inspection Requests.**

24 Section 106.4 of the Uniform Fire Code is added to read as follows:

25 **106.4 Inspection Requests.** If the person doing the work requests that an inspection be
26 conducted on a holiday or weekend, said person shall pay a fee equal to the actual costs to the City
27 for the performance of the inspection by the inspector.

28 It shall be the duty of the person doing the work authorized by a permit to notify the code
29 official that such work is ready for inspection. The code official is authorized to require that every

1 request for inspection be filed not less than one working day before such inspection is desired. Such
2 requests may be in writing or by telephone at the option of the code official.

3 It shall be the duty of the person requesting any required inspections to provide access to and
4 means for proper inspection of such work.

5 Section 12. That Title 19 of the Lincoln Municipal Code be amended by adding a
6 new section numbered 19.03.120 to read as follows:

7 **19.03.120 Section 108 Amended; Board of Appeals.**

8 Section 108 of the International Fire Code is amended to read as follows:

9 **Section 108. Board of Appeals.** (a) Board of Appeals Created. In order to hear and decide
10 appeals of orders, decisions and determinations made by the code official relative to the application
11 and interpretation of this code, including but not limited to the suitability of alternate materials and
12 type of construction, there shall be and hereby is created a board of appeals, consisting of five
13 members who are qualified by experience and training to pass on pertinent matters. The code
14 official shall be an ex officio member and shall act as secretary of the board but shall have no vote
15 on any matter before the board. The board of appeals shall be appointed by the mayor and shall hold
16 office at the mayor's pleasure. The board shall adopt reasonable rules and regulations for conducting
17 its investigation and shall render all decisions and findings in writing to the code official with a
18 duplicate copy to the appellant and may recommend to the city council such new legislation as is
19 consistent therewith.

20 (b) Appeals to Board. Any person who is aggrieved by any order, decision or
21 determination of the code official relating to the application or interpretation of any provisions of
22 this code or to the suitability of alternate materials or methods of construction, may appeal such

1 decision by filing an appeal on forms furnished by the code official within thirty days from the date
2 of such decision. The filing of a completed appeals form, along with the payment of the prescribed
3 fee, shall be sufficient for the purpose of commencing an appeal proceeding hereunder.

4 (c) Filing Fees. The fee for each appeal filed with the code official shall be as follows:

5 (1) Twenty dollars filing fee for review of a decision of the code official involving
6 an interpretation of any provisions of this code;

7 (2) Fifty dollars filing fee for review of a decision of the code official relating to
8 the suitability of alternate materials or methods of construction.

9 (d) Hearing Date. The code official shall refer all properly and timely filed appeals to
10 the board of appeals for hearing. The secretary of said board shall in each appeal notify the appellant
11 in writing of the date, time, and place of hearing before the board, which date shall be no later than
12 thirty days from the filing of the appeal. Such notice shall be served upon the applicant by personal
13 service or registered mail.

14 (e) Hearing Procedure. Hearings on appeal need not be conducted according to technical
15 rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation.
16 Any relevant evidence shall be admitted if it is the type of evidence upon which responsible persons
17 are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common
18 law or statutory rule which may make improper the admission of such evidence over objection in
19 civil actions in courts of competent jurisdiction in this state. Irrelevant and unduly repetitious
20 evidence shall be excluded. The appellant, the code official, and any other party to an appeal
21 hereunder shall have these rights, among others:

1 (1) To call and examine witnesses on any matter relevant to the issues of the
2 hearing;

3 (2) To introduce documentary and physical evidence;

4 (3) To cross-examine opposing witnesses on any matter relevant to the issues of
5 the hearing; and

6 (4) To rebut the evidence against him or her.

7 (f) Decision of Board. The board of appeals shall, within fifteen days after the hearing,
8 render a written decision which shall state its findings and conclusions. Decisions of the board may
9 be appealed as provided by law.

10 (g) Enforcement. Enforcement of any decision, notice, or order of the code official
11 issued under this code shall be stayed during the pendency of an appeal therefrom which is properly
12 and timely filed, except in cases of emergency, where enforcement of the same is necessary for the
13 protection of life, limb, or property.

14 Section 13. That Title 19 of the Lincoln Municipal Code be amended by adding a
15 new section numbered 19.03.130 to read as follows:

16 **19.03.130 Section 316 Added; Manufactured Home Skirting.**

17 Section 316 is added to the International Fire Code to read as follows:

18 **SECTION 316**
19 **MANUFACTURED HOME SKIRTING**

20 **316.1 General.** Skirts shall be installed on all manufactured homes. Skirting shall be of
21 a rigid material which does not create a fire hazard. Rigid foam insulation, chip board, Masonite,
22 or any other wood products are not permitted skirting material.

1 Section 14. Title 19 of the Lincoln Municipal Code is amended by adding a new
2 section numbered 19.03.140 to read as follows:

3 **19.03.140 Section 903.4.1 Amended; Signals.**

4 Section 903.4.1 of the International Fire Code is amended to read as follows:

5 **903.4.1 Signals.** Alarm, supervisory and trouble signals shall be distinctly different and
6 shall be automatically transmitted to an approved central station, remote supervising station or
7 propriety supervising station as defined in NFPA 72 or, when approved by the code official, shall
8 sound an audible signal at a constantly attended location.

9 **Exceptions:**

10 1. Underground key or hub valves in roadway boxes provided by the municipality or
11 public utility are not required to be monitored.

12 2. Backflow prevention device test valves, located in limited area sprinkler system
13 supply piping, shall be located in the open position. In occupancies required to be equipped with
14 a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch
15 installed in accordance with NFPA 72 and separately annunciated.

16 3. Apartment buildings where the number of sprinklers are under 200 need not be central
17 station, remote station or proprietary monitored.

18 Section 15. That Title 19 of the Lincoln Municipal Code be amended by adding a
19 new section numbered 19.03.150 to read as follows:

20 **19.03.150 Section 1504.1.4 Amended; Limited Spraying Spaces.**

21 Section 1504.1.4 of the International Fire Code is amended to read as follows:

1 **1504.1.4 Limited spraying spaces.** Limited spraying spaces shall comply with Sections
2 1404.1.4.1 through 1504.1.4.4.

3 **1504.1.4.1 Job size.** The aggregate surface area to be sprayed shall not exceed 9
4 square feet (0.84m²)

5 **1504.1.4.2 Frequency.** Spraying operations shall not be of a continuous nature.

6 **1504.1.4.3 Ventilation.** Positive mechanical ventilation providing a minimum of six
7 complete air changes per hour shall be installed. Such system shall meet the requirements of this
8 code for handling flammable vapors. Explosion venting is not required.

9 **1504.1.4.4 Electrical wiring.** Electrical wiring within 10 feet (3048 mm) of the
10 floor and 20 feet (6096 mm) horizontally of the limited spraying space shall be designed for Class
11 1, Division 2 locations in accordance with the ICC Electrical Code.

12 **1504.1.4.5** All auto body shops spraying a flammable liquid are required to have at
13 least one approved paint booth.

14 Section 16. That Title 19 of the Lincoln Municipal Code be amended by adding a
15 new section numbered 19.03.160 to read as follows:

16 **19.03.160 Section 3301.1 Amended; Fireworks.**

17 Section 3301.1 of the International Fire Code is amended to read as follows:

18 **3301.1 Fireworks.** The provisions of this chapter and Chapter 9.44 of the Lincoln
19 Municipal Code shall govern the possession, manufacture, storage, handling, sale and use of
20 explosives, explosive material, fireworks, and small arms ammunition.

21 **Exceptions:**

- 22 1. The Armed Forces of the United States, Coast Guard or National Guard.

2. Explosives in forms prescribed by the official United States Pharmacopoeia.

3. The possession, storage and use of small arms ammunition when packaged in accordance with DOTn packaging requirements.

4. The possession, storage and use of not more than one pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.

5. The use of explosive materials by federal, state and local regulatory, law enforcement, and fire agencies acting in their official capacities.

6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg) of explosive materials.

7. The possession, storage, and use of blank industrial-power load cartridges when packaged in accordance with DOTn packaging regulations.

8. Transportation in accordance with DOTn 49 CFR Parts 100-178.

9. Items prepared by federal regulations.

Section 17. That Title 19 of the Lincoln Municipal Code be amended by adding a new section numbered 19.03.170 to read as follows:

19.03.170 Section 3308.3 Amended; Approved Displays.

Section 3308.3 of the International Fire Code is amended to read as follows:

3308.3 Approved displays. Approved displays shall include only the approved Division 1.3G, Division 1.4G, and Division 1.4S fireworks, shall be handled by an approved competent operator, and the fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to property or endanger any person. Such firework exhibitions or displays shall be

1 limited to 6-inch mortars if fired manually. The time delay between igniting the mortar fuse and the
2 firing of the mortar shall not be less than 5 seconds if fired manually.

3 Section 18. That Title 19 of the Lincoln Municipal Code be amended by adding a
4 new section numbered 19.03.180 to read as follows:

5 **19.03.180 Section 3401.4 Amended; Flammable and Combustible Liquids; Permits.**

6 Section 3401.4 of the International Fire Code is amended to read as follows:

7 **3401.4 Permits.**

8 **3401.4.1 Permit required.** It shall be unlawful for any person, firm, or corporation to
9 install, replace, repair, remove, reline, or abandon tanks for the storage of flammable or combustible
10 liquids without first having secured a permit therefor from the code official.

11 **3401.4.2 Permit fee.** A fee for each storage tank installed, replaced, repaired, removed, or
12 abandoned shall be paid prior to the issuance of such permit, which fee shall cover the cost of
13 inspection thereof, and no such permit shall be valid until approved by the code official. Such permit
14 may be revoked by the city council at any time for just cause, in which event the use of such tank
15 or tanks shall immediately be discontinued. Storage tanks having a combined capacity of more than
16 600 gallons, used in connection with oil burners and all other storage tanks, regardless of capacity,
17 shall require a separate permit for each tank or tanks. Application for the installation, replacement,
18 or repair of such storage tank shall be accompanied by accurate plats or drawings showing the lot
19 or tract of land with the location, size, and description of each tank, extent and depth of diking, also
20 layout of fill and vent pipes, together with location and size of pump, and shall be accompanied by
21 specifications for the construction of each said tank, its connections, fittings, openings, and safety

appliances. The installation, replacement, repair, removal, or abandonment of any such tank shall be made in accordance with the Fire Prevention Code of the city.

PERMIT FEES

New installation and piping - each tank	\$55.00
Replacement - each tank	55.00
Replacement or repair piping - each tank	25.00
Removal or abandonment of tanks - each trip	25.00

Section 19. That Title 19 of the Lincoln Municipal Code be amended by adding a new section numbered 19.03.190 to read as follows:

19.03.190 Section 3404.2.9.5.1 Amended; Prohibition on Above-Ground Tanks.

Section 3404.2.9.5.1 of the International Fire Code is amended to read as follows:

3404.2.9.5.1 Prohibition on above-ground tanks. The storage of flammable and combustible liquids in above-ground tanks outside of buildings is prohibited without a permit. Applications for such storage may be approved by the code official if said official determines that: (a) adequate safety precautions have been taken; and (b) alternate storage options are impractical.

Section 20. That Title 19 of the Lincoln Municipal Code be amended by adding a new section numbered 19.03.200 to read as follows:

19.03.200 Section 3404.2.13 Amended; Abandonment of Tank Permits.

Section 3404.2.13 of the International Fire Code is amended to read as follows:

3404.2.13 Abandonment of tank permits. A permit is required to remove, abandon, place temporarily out of service, or otherwise dispose of any flammable or combustible liquid tank. See Sections 3404.2.13.1 through 3404.2.13.2.3, Section 105, and API 1604.

1 Section 21. That Title 19 of the Lincoln Municipal Code be amended by adding a
2 new section numbered 19.03.210 to read as follows:

3 **19.03.210 Section 3404.2.13.1.3 Amended; Underground Tanks Out of Service for One**
4 **Year.**

5 Section 3404.2.13.1.3 of the International Fire Code is amended to read as follows:

6 **3404.2.13.2.3 Underground tanks out of service for one year.** Any underground tank
7 which has not been used for a period of one year shall be either removed from the property by the
8 property owner and the hole properly filled or such tank may be abandoned in place and safeguarded
9 in a manner and with materials approved by the code official. See Sections 3404.2.14 and
10 3404.2.13.1.4.

11 Section 22. That Title 19 of the Lincoln Municipal Code be amended by adding a
12 new section numbered 19.03.220 to read as follows:

13 **19.03.220 Copies Filed with City Clerk.**

14 Not less than one copy of said "International Fire Code" referred to in Section
15 19.03.010, together with such amendments thereto as may be made from time to time, shall be filed
16 for use and examination by the public in the office of the City Clerk. Three printed copies of each
17 said publication shall be kept in the office of the Department of Building and Safety for use and
18 examination by the public.

19 Section 23. That Title 19 of the Lincoln Municipal Code be amended by adding a
20 new section numbered 19.03.230 to read as follows:

21 **19.03.230 Additional Definitions.**

22 (a) Whenever the word "jurisdiction" is used in the International Fire Code, it shall be
23 held to mean the jurisdiction of the City of Lincoln, Nebraska.

1 (b) Wherever the term "corporation counsel" is used in the International Fire Code, it
2 shall be held to mean the City Attorney for the City of Lincoln or one of his assistants or deputies.

3 Section 24. That Title 19 of the Lincoln Municipal Code be amended by adding a
4 new section numbered 19.03.240 to read as follows:

5 **19.03.240 Penalty.**

6 Any person firm, or corporation who shall violate any of the provisions of this code hereby
7 adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made
8 thereunder shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in
9 any sum not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed six
10 months or both, except that each person so convicted shall be fined in a sum of not less than \$200.00
11 for the first offense, not less than \$250.00 for the second offense, and not less than \$300.00 for the
12 third offense and each offense thereafter. Each day that a violation continues shall constitute a
13 separate and distinct offense and shall be punishable as such.

14 Section 25. That Title 19 of the Lincoln Municipal Code be amended by adding a
15 new section numbered 19.03.250 to read as follows:

16 **19.03.250 Severability.**

17 The unconstitutionality of any part or parts of this chapter shall not affect the other parts. If
18 for any reasons any section or part or parts of any section or sections of this chapter shall be declared
19 unconstitutional or beyond the power of the city to enact, such facts shall not affect or impair in any
20 way other provisions of this chapter, but such other provisions shall be in full force and effect.

21 Section 26. That Sections 1 through 25 hereof be codified in the Lincoln Municipal
22 Code as Chapter 19.03, Fire Code.

1 Section 27. That Chapter 19.04 of the Lincoln Municipal Code as hitherto existing
2 be and the same is hereby repealed.

3 Section 28. Pursuant to Article VII, Section 7 of the City Charter, this ordinance
4 shall be posted on the official bulletin board of the City in lieu of and in place of newspaper
5 publication with notice of passage and such posting to be given by publication one time in the
6 official newspaper by the City Clerk. This ordinance shall be in full force and effect as of June 1,
7 2002, after its passage and publication as herein and in the City Charter provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2002:

Mayor